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14 *Attorney for Plaintiff Troy Emanuel, Jr.

15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA

17 Troy Emanuel, Jr.,

18 Plaintiff,

19 v.

20 Collin, *et al.*,

21 Defendants.

Case No. 3:20-cv-00566-RCJ-CLB

**Order Granting Second Joint
Stipulation to Extend Service of
Process Date**

22 The parties stipulate that counsel for Plaintiff Troy Emanuel, Jr., shall have
23 an additional 30 days, or until January 3, 2024, to serve Defendant Brandon Stubbs
24 with a summons, the amended complaint, and the order granting the motion to
25 amend the complaint. This is the second stipulation requesting additional time to
26 make service on Defendant Stubbs.

27 The parties enter this stipulation under Fed. R. Civ. P. 4(m) in good faith and
for good cause based on the following.

1 On September 21, 2023, this Court ordered that service of the summons, the
2 amended complaint (ECF No. 139), and the order granting the motion to amend the
3 complaint (ECF No. 129), be served on Defendant Brandon Stubbs by November 20,
4 2023. ECF No. 158. However, given Mr. “Emanuel’s *pro se* status and the issues
5 with service,” the Court directed the Clerk to issue a summons for Defendant and
6 Stubbs and also directed the U.S. Marshal to serve the summons and above-listed
7 documents on him. ECF No. 158. Unfortunately, the U.S. Marsal could not perfect
8 service on Defendant Stubbs. ECF No. 166.

9 Though Defendant Stubbs’ home address remains under seal (ECF No. 158),
10 Mr. Emanuel’s counsel believed they located Stubb’s home address and obtained a
11 two-week extension of time from the Court to perfect service through a process
12 server. ECF Nos. 174, 175. Though attempts to serve Defendant Stubbs were made
13 during that two-week period, additional time is necessary to perfect service.

14 The deadline for service is currently December 4, 2023. ECF No. 175. An
15 extension of the time for service, however, should be granted when the plaintiff
16 shows good cause. *See* Federal Rule of Civil Procedure Rule 4(m); *Lemoge v. United*
17 *States*, 587 F.3d 1188, 1198 (9th Cir. 2009) (Rule4(m) establishes a “mandatory”
18 rule that the “district court must extend time for service upon a showing of good
19 cause”).

20 The parties submit good cause exists here to extend the time for service on
21 Defendant Stubbs, including: (1) Mr. Emanuel’s *pro se* status; (2) the failed attempt
22 at service on Defendant Stubbs by the U.S. Marshal; (3) the failed attempts by Mr.
23 Emanuel’s process server to serve Mr. Stubbs at the home address located by Mr.
24 Emanuel’s counsel; and (4) the need for Mr. Emanuel’s process server to make
25 additional attempts at service on Defendant Stubbs. The parties therefore stipulate
26 to extend the service date on Defendant for 30 days, until January 3, 2024. *See* Fed.
27 R. Civ. P. 4(m); *Lemoge*, 587 F.3d. at 1198.

1 Dated December 4, 2023.

2
3 Aaron D. Ford
4 Attorney General

Rene L. Valladares
Federal Public Defender

5 s/ Andrew C. Nelson
6 Andrew C. Nelson
7 Deputy Attorney General

s/ Ryan Norwood
Ryan Norwood
Assistant Federal Public Defender

8 s/ Amy B. Cleary
9 Amy B. Cleary
10 Assistant Federal Public Defender

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13 IT IS SO ORDERED:

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16 UNITED STATES MAGISTRATE JUDGE

17 DATED: December 4, 2023
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